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FILED
2008 AUG -4 AM 9:59
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Jeffrey Alan KELLEY** **(aka: Jeffrey Alan LARSEN)** Defendant.	~~Magistrate~~ Case No. '08 MJ 2396 COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1324(a)(2)(B)(iii)- Bringing in Illegal Aliens Without Presentation

The undersigned complainant being duly sworn states:

On or about **August 1, 2008**, within the Southern District of California, **Jeffrey Alan KELLEY (aka: Jeffrey Alan LARSEN) (Defendant)**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Fabian CUENCA-Zavala, Juan MORAN-Hernandez and Hugo CAMPOS-Hernandez (Material Witnesses)** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

[signature]
SIGNATURE OF COMPLAINANT
Alfredo Loperena, Enforcement Officer
U.S. Customs and Border Protection

Sworn to before me and subscribed in my presence, this 4th day of **August, 2008.**

[signature]
UNITED STATES MAGISTRATE JUDGE

8/1/08

MJS

Continuation of Probable Cause Statement
RE: Jeffrey Alan KELLEY aka Jeffrey Alan LARSEN

A videotaped interview was conducted with the Material Witnesses. Material Witnesses admitted they are citizens of Mexico with no documents to lawfully enter the United States. Material Witnesses stated they were to pay a smuggling fee ranging from $3,000 US dollars to $3,600 US dollars. Material Witnesses stated they were going to the United States to seek employment.

Executed on this **1st** day of **August 2008** at **2:30 p.m.**

Liliana De Anda / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of 2 pages, I find probable cause to believe that the defendant named therein committed the offense on **August 1st, 2008** in violation of Title 8, United States Code, Section 1324.

MAGISTRATE JUDGE

DATE / TIME

M36

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Liliana De Anda, declare under penalty of perjury the following to be true and correct:

The complainant states that **Fabian CUENCA-Zavala, Juan MORAN-Hernandez** and **Hugo CAMPOS-Hernandez** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On August 1st, 2008, at approximately 2:06 a.m., **Jeffrey Alan KELLEY aka Jeffrey Alan LARSEN (Defendant)** made application for admission into the United States from Mexico at the San Ysidro Port of Entry via primary vehicle lanes. Defendant was the driver and sole visible occupant of a stolen 2004 Chevrolet Suburban bearing California license plates. During primary inspection before a United States Customs and Border Protection (CBP) Officer, Defendant presented a counterfeit California Driver License bearing his name and photograph and his valid California Birth Certificate with the name of Jeffrey Alan Larsen. Defendant stated he was at the Alejandro Rodriguez concert with his girlfriend in Tijuana, Mexico. The CBP Officer looked inside the vehicle and noticed several human beings concealed underneath a black cloth. Defendant stated he was not bringing anything from Mexico and he was going to Chula Vista, California. The CBP Officer requested assistance from other CBP Officers and responded. Defendant was taken into custody and escorted to a security office for further investigation. The vehicle was then driven to the secondary lot for further inspection.

In secondary, CBP Officers removed twelve (12) individuals from the rear seat and cargo area of the vehicle. The individuals were determined to be citizens and natives of Mexico without the legal documentation that would permit their legal entry into the United States. All individuals were escorted to the Port Enforcement Team (PET) processing area for further disposition. Three of the twelve individuals were identified as: **Fabian CUENCA-Zavala, Juan MORAN-Hernandez, Hugo CAMPOS-Hernandez (Material Witnesses).**

During a videotaped interview, Defendant was advised of his Miranda rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. Defendant admitted knowledge of the concealed aliens. Defendant admitted he was to be paid $1,300.00 US dollars to drive the vehicle and deliver the aliens to a location near H Street in Chula Vista, California. The vehicle, counterfeit California Driver License and vehicle registration were given to him to be used for the smuggling act.

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Continuation of Probable Cause Statement
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MAGISTRATE JUDGE

8/2/08 11:30 am
DATE / TIME